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REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Non-Final Office Action mailed on June 29, 2007. Claims 1 and 13 are amended. Applicant respectfully requests reconsideration of this application.

112 Rejections

The Examiner rejected claim 13 under 35 U.S.C. 112, second paragraph as being indefinite for lack of antecedent basis. Applicant has amended claim 13 to depend from claim 12. Accordingly, claim 13 now has sufficient antecedent basis such that claim 13 is not indefinite.

102 Rejections

Applicant respectfully traverses the rejection of claims 1, 2, 7-9, and 12-13 under 35 U.S.C. §102(b) as being anticipated by *Suenaga* (Japanese Patent No. JP 2001299881). Amended claim 1 includes the feature of "a shield positioned on an opposite side of the monolith from the ultraviolet light source." *Suenaga* fails to disclose this feature. As shown in each of the figures of *Suenaga*, the UV lamp 4 and the mirror 3 are positioned on the same side of the filter 2. Accordingly, claim 1 and all those claims depending therefrom are not anticipated.

Claim 8 is independently allowable over *Suenaga*. Claim 8 requires an upper gap defined between the upper edge of the shield and the compartment and a lower gap defined between the opposing lower edge of the shield and the compartment. The Examiner points to drawing 3 of *Suenaga* for disclosing these features. However, drawing 3 discloses an upper and lower gap between the mirror 3 and the ultraviolet light source 4. None of the figures detail an upper and lower gap between the duct 14 and the mirror 3. Accordingly, claims 8 and 9 are independently allowable over the *Suenaga* reference.

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Claims 12 and 13 are likewise independently allowable over *Suenaga*. As stated above, the mirror 3 and the ultraviolet light source 4 are disclosed on the same side of the filter 2. The subject matter of claims 12 and 13 is not applicable to the *Suenaga* system because Applicant's claimed system and the system of *Suenaga* are configured differently. Accordingly, claims 12 and 13 are not anticipated.

103 Rejections

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being obvious over *Suenaga* in view of *Say, et al.* (U.S. Patent No. 5,790,934.) Claims 4-5 are rejected under 35 U.S.C. 103(a) as being obvious over *Suenaga* in view of *Ichikawa* (U.S. Patent No. 6,421,915). Claim 10 is rejected under 35 U.S.C. 103(a) as obvious over *Suenaga*. As stated above, claim 1 is amended to include the feature of "a shield positioned on an opposite side of the monolith from the ultraviolet light source." Therefore, these rejections are moot.

Claims 6, 11 and 14-16 stand rejected under 35 U.S.C. §103(a) as being obvious over *Suenaga* in view of *Bigelow* (U.S. Patent No. 6,500,387). With regard to claim 14, the Examiner argues it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of *Suenaga* to prepare the shield with a height that is less than the monolith height in order to limit the amount of air that is blocked by the shields when passing through the module as exemplified by *Bigelow*. Applicant respectfully disagrees with this rejection.

A *prima facie* case of obviousness has not been established. Where there is no benefit to making a proposed combination, the proposed combination cannot be made and there is no *prima facie* case of obviousness.

In this case, there is no benefit to modifying the mirror 3 of *Suenaga* to have a height that is less than the monolith height because the mirrors 3 are positioned at the outer periphery of the

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duct 14 and not within the open space of the duct 14. That is, the mirrors 3 are not positioned in parallel with the filter 2 within the duct compartment. Therefore, there is no danger of blocking airflow through the compartment. Claims 14-16 are not obvious.

Double Patenting

Finally, the Examiner provisionally rejects claims 1-5 on the ground of obviousness type double patenting over claims 1-3 and 8-12 of copending App. No. 10/788,845 in view of *Suenaga* and rejects claims 1-5 and 10 over claims 1-3 and 10-12 of copending App. No. 10/789,962 in view of *Suenaga*. Applicant postpones comment on this rejection until the final claim scope and order of issuance of these applications is determined.

Accordingly, Applicant believes that all claims are in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/789,699, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on September 28, 2007.


Theresa M. Palmateer

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